

# Town of Caroline Town Board Minutes

July 13, 2006

The regular meeting of the Town Board of the Town of Caroline held on July 13, 2006 at the Town Hall was called to order by Supervisor Don Barber at 7:00 p.m.

## **Present:**

Don Barber, Supervisor  
Tim Seely, Councilman  
Dominic Frongillo, Councilman  
Nelly Farnum, Councilwoman

## **Recording**

**Secretary:** Debra DeAugustine, Town Clerk

## **Monthly Reports**

### **Highway Superintendent's Report**

Storm on Thursday caused numerous small areas of flooding. 76 Road closed by the county; minimum of two weeks before the road is open. Banks Road also closed indefinitely; after the storm it started cracking on the approach; started at a few inches, and now is more than a foot and a half. They have no idea why; US Geo Survey said same thing happened on German Cross Road, and also don't know why. Town is approved for FEMA funding; meeting next Tuesday. Level Green Rd pipe collapsed; new pipe installed by Monday night. Driveway pipes are not the town's responsibility; most often pipe is plugged. Roads take precedence over driveways. With rain like we had, the pipe just can't handle the amount of water.

For the record, Cindy never stated that she thought hiring out ditching was a good idea (May 2 minutes).

### **Supervisor's Report**

#### **Correspondence**

1. SUNY College of Environmental studies at Syracuse is holding training on Storm Water Management from Sept 2006 to May 2007; 8 courses.
2. Danby passed Shared Services agreement similar to the resolution Caroline passed a few months back
3. Response from DOT to Don's questions on negative finding for speed reduction – he has asked for further clarification

#### **Report**

- Council of Governments will meet the 4<sup>th</sup> Thursday of each month at 3 pm
- Personnel Advisory Committee has been meeting regularly and is forming questions to ask other municipalities about scope of responsibilities and compensation packages
- Barrile: Dominic and Don toured the Barrile structures after the June 26 flooding. Starting from the top, there was no erosion, the cross veins had pools below them and the side structures held well. Midway the cross veins stopped developing pools and the side structures had minor erosion behind them. Only at the bottom did stream bank erosion occur. Three of the structures are buried under gravel and are not able to function. Integrated River Systems has been contacted to recommend the remediation measures. DEC is currently allowing remediation work without the permitting process.
- County has been added to the disaster areas thanks to Lee Shurtleff. They toured the town damage with Cindy and encouraged town to apply for relief; Level green, 76, and Banks roads are casualties.
- Good coordination between emergency services and town highway dept during the flooding event.
- Nelly noted that there's a correspondence from John Confer about Flatiron Rd; code enforcement officer said it is exempt from subdivision law. Don: ask John D. for paperwork.

## Department, Committee, & Liaison Reports

### Frongillo

- Talked with Sharon Anderson about the wash bay and she said that if we show that we're meeting DEC requirements, we should be fine.
- Group putting together a tech report on six mile creek
- Barrile project: Barry Goodrich and Craig Schutt from TC soil and water will meet to put together a proposal for some work

## Action Topics

### Transfers

#### Motion to Authorize Transfer of Funds

A motion was made by Supervisor Barber and seconded by Councilwoman Farnum to authorize the following transfer:

	<b>From</b>	<b>To</b>
\$65.00	General Fund Account A 1110.4 Court CE	General Fund Account A 1110.401 Court Trial CE

Increase General Revenue line A 3061 Grants by \$5120 and increase General Appropriation line A 8510.4 Community Beautification by \$5120

Increase General Revenue Line A 2705 Gifts and Donations by \$25 and increase General Apropriation line A 7410.4 Library by \$25

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

## Approval of Abstracts

### Approval of General Fund Abstract

A motion was made by Councilwoman Farnum and seconded by Councilman Seely to approve payment for the General Fund voucher numbers 176 through 204 in the amount of \$7,224.29.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

### Approval of Highway Fund Abstract

A motion was made by Councilman Seely and seconded by Councilwoman Farnum to approve payment for the Highway Fund voucher numbers 117 through 130 in the amount of \$28,785.89.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

### **Approval of Streetlight Fund Abstract**

A motion was made by Councilman Frongillo and seconded by Councilwoman Farnum to approve payment for the Streetlight Fund voucher numbers 012 through 013 in the amount of \$495.41.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

### **Minutes**

#### **Approval of Minutes from June 6, 2006**

A motion was made by Supervisor Barber and seconded by Councilman Seely to accept the minutes of June 6, 2006 with the following amendment.

#### **Amendment:**

Barber, page 3, change next to last paragraph to read that the Association of Towns did not have a recommendation.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

#### **Approval of Minutes from June 15, 2006**

A motion was made by Supervisor Barber and seconded by Councilwoman Farnum to accept the minutes of June 15, 2006 with the following amendments.

#### **Amendments:**

Farnum: Page 4, change fire department to fire company.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

### **Town Business**

#### **Video of Barrile project**

Ken DeGraf started producing the video for his own interest; not part of the scope of the project. Ken has passed away. He became the tech advisor to Matt, who would like to continue the production at a cost to the town. Todd Schmit has offered to pay for some equipment. Cost sharing? TC IO will contribute \$500. Tim and Don had hoped for more buy-in from the partners who would get more value out of it; can't justify using tax dollars. Soil and water and DEC say they have no funds. Ithaca might have funds.

#### **Local Law to regulate Storm water runoff**

Every MS4 community needs to pass one. Might need a storm water officer; group in RTC is looking into towns sharing one. Don: we've only had two projects over one acre; if we make it a half acre, projects will increase. Timeline: Next month, discuss changes; done with input by September; to attorney in November; public hearing in early December. Will meet on August 8; Ask John Daniels to attend.

#### **Junk yard local law**

Don: 1982 ordinance to license junk yards has not been enforced. Attorney said that it is constitutional and it can be enforced. Previous DA was not interested in enforcing the law; asked the current DA today, but has not

heard back. Enforced through the sheriff; code enforcement officer would cite someone, give the person so many days to clean up the situation; the town attorney would create a summons if not taken care of, and would go before a local judge. Can only rescind the law if the DA thinks it's an invalid law.

## Resolutions

### **Resolution 7-2 of 2006 Indexing Grant**

By Supervisor Barber; Seconded by Councilman Seely

RESOLVED that the Town Board authorizes the supervisor to sign the Local Government Records Management Improvement Fund grand acceptance form for an indexing grant awarded the Town Clerk.

<b>Adopted</b>	Don Barber	Nay
	Ed Cope	Absent
	Tim Seely	Nay
	Nelly Farnum	Nay
	Dominic Frongillo	Aye

### **Resolution 7-3 of 2006 Barrile Video Production**

By Councilman Frongillo; Seconded by Supervisor Barber

WHEREAS, the Barrile stream restoration project was a major undertaking for the Town of Caroline, and numerous Caroline residents contributed their time and energy towards its completion, and

WHEREAS, the Barrile project was a unique and innovative stream restoration project and represented an unprecedented collaboration among the town and numerous agencies, and

WHEREAS, a video documentary would serve as a valuable remembrance and education tool for Caroline residents and as a future planning tool for the Town and collaborated agencies involved, and

WHEREAS, there exists many hours of raw footage of project operations and interviews with project personnel, therefore be it

RESOLVED, conditional on accessibility of equipment suitable for the project, the Town of Caroline board authorizes Matt Podolsky to produce a video documentary of the Barrile project for no more than 210 hours (7 weeks @ 30 hours per week) and with total compensation of \$2500 in advance for the completion of the project as indicated, and will provide the project outputs as listed below:

1. DVD of final edited documentary, approximately 1 hour in length (6 copies)
2. One copy of original video tape and photos taken during the project
3. Written summary and description of final product

<b>Defeated</b>	Don Barber	Nay
	Ed Cope	Absent
	Tim Seely	Nay
	Nelly Farnum	Nay
	Dominic Frongillo	Aye

### **Resolution 7-4 of 2006 Stormwater Local Law Meeting Date**

By Supervisor Barber; Seconded by Councilman Frongillo

RESOLVED, the town board will meet August 8 at 7 p.m. to discuss the draft local law Stormwater Management and Erosion and Sediment Control.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye

Nelly Farnum     Aye  
 Dominic Frongillo   Aye

**Resolution 7-5 of 2006  
 Noise Ordinance Advisory Committee**

By Councilwoman Farnum; Seconded by Councilman Seely

WHEREAS, the Caroline Town Board affirms the importance of a peaceful and comfortable environment for all Caroline residents, and

WHEREAS, the Caroline Town Board recognizes that some otherwise lawful activities conducted within the Town may at times produce noise of such degree to significantly disrupt the peace and comfort of Caroline residents, and

WHEREAS, the Caroline Town Board wishes to investigate adopting a noise law enforceable in the Town of Caroline, and

WHEREAS the Caroline Town Board affirms the necessity of having such a law be appropriate for a rural town such as ours, and

WHEREAS the Caroline Town Board wishes to receive input from the citizens of the town willing to research specific issues associated with the formulation of such a law, now therefore let it be

RESOLVED, that the Caroline Town Board will appoint a committee consisting of up to seven citizens of the Town of Caroline, together with one Town Board member (non-voting), to be named the Noise Law Guidelines Committee. The purpose of the committee is to provide the Town Board with specific guidelines for the development of an enforceable Noise Law for the Town of Caroline.

The specific tasks of the committee shall be to:

1. Examine existing noise laws in towns similar to Caroline, including (but not limited to) the consideration of the rural nature of the town; that farming is practiced in the town; that the town has no zoning laws; and that seasonal hunting occurs in the town;
2. To develop guidelines for the types, levels and durations of noises that should be considered unacceptable within the town;
3. To work with the Tompkins County sheriff, local justices, and others to provide guidelines for ensuring that such a noise law would be enforceable;
4. To present the guidelines to the Town Board no later than November 15, 2006, one day before the November meeting of the Town Board.

Upon presentation to the Caroline Town Board of these guidelines developed by the committee, the Town Board may, at its discretion, direct the town attorney to draft a local law based on these guidelines, for further consideration by the Town Board and subject to public hearing.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Discussion**

Don noted that the town is changing, more people moving in that have expressed interest. People have a right to make noise, but noise is a form of pollution that knows no property boundaries. Brought people together to try to work out a solution, but the problem is still occurring. His preference is that we wait until the comprehensive plan is finished before drafting a noise law. He supports the committee since we will need to work this through as part of the plan. Committee will be a good way to advise the board what direction to take.

**Resolution 7-6  
Plan of Actions for Emergency Preparedness**

By Councilwoman Farnum; Seconded by Councilman Seely

WHEREAS, at the April 2006 meeting of the Caroline Town Board the Tompkins County All-Hazard Mitigation Plan was adopted unanimously as the hazard mitigation plan for the Town of Caroline, and

WHEREAS, the Town of Caroline has an obligation, once having adopted this plan, to “bring the plan to life” through specific actions that include those specifically designed to allow for smooth operation and coordination of various emergency personnel during any disaster situation, now therefore be it

RESOLVED, by the Caroline Town Board, that the following actions will be taken by the Caroline Town Board over the next twelve-month period:

1. The Town Board will finish work on an Emergency Plan for the Town of Caroline, in conjunction with input from citizens of the Town. This will include integration of existing local emergency operations plans of other organization within the Town of Caroline such as those of the local schools, SMART (Slaterville Ambulance Animal Rescue Team), and the MacCormick Center, as examples.
2. Town Board members will take the ICS-100 and IS-700 courses, which currently are required of all emergency personnel, and which are designed to give an introduction to the organization of command structures during an emergency, as well as an introduction to NIMS. These courses are available online.
3. The All-Hazards Mitigation Plan will be updated specifically in reference to actions taken by either the Town Board or the Caroline Emergency Preparedness Committee, as outlined in Section 6 of the All-Hazards Mitigation Plan.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Resolution 7-7 of 2006  
Sale of Town-Owned Property on Bald Hill School Road**

By Supervisor Barber; Seconded by Councilwoman Farnum

WHEREAS, the Town of Caroline acquired real property from Cornell University by bargain and sale deed dated September 27, 2005, which deed was filed in the office of the Tompkins County Clerk November 10, 2005 as Instrument Number 481958-001, and which deed transferred fee title to the Town approximately 30 acres of land along Bald Hill School Road identified as Town of Caroline tax map parcel 23.-1-15; and

WHEREAS, the said transfer of the property, and deed thereto, was without restriction, and said property has never been designated by local law, ordinance, resolution, or otherwise, for public use by the Town, nor by any other governmental entity, department, or agency; and

WHEREAS, the Town has determined that such property is surplus property for which there is no current or anticipated future public use or need; and

WHEREAS, the Town has obtained an appraisal for such property by a New York State licensed appraiser; and

WHEREAS, upon a consideration of each of the foregoing, and upon due deliberation upon the same, the Town Board of the Town of Caroline has hereby

RESOLVED, that the listing, negotiation, sale, and conveyance of said property be and is hereby authorized and approved; and it is further

RESOLVED, that the Town Board be and hereby is authorized, by, for, and in the name of the Town of Caroline, to negotiate the terms of sale and conveyance with any prospective or proposed purchaser, provided that the purchase price is not less than the appraised value of the property; and it is further

RESOLVED, that the Town Supervisor and/or Deputy Town Supervisor be and hereby are authorized, subject to the approval of the Town Board, to execute such purchase agreements, deeds, affidavits, reports of sale,

and such other and related documents as are or may be necessary to effect the sale and transfer of the property; and it is further

RESOLVED, that this resolution be and is hereby subject to a permissive referendum as provided for in Article 7 of the Town Law of the State of New York; and it is further

RESOLVED and DIRECTED that the Town Clerk for the Town of Caroline publish and post this resolution, and a notice of adoption hereof, within 10 days of the date hereof, as required by the Town Law of the State of New York.

<b>Adopted</b>	Don Barber	Aye
	Ed Cope	Absent
	Tim Seely	Aye
	Nelly Farnum	Aye
	Dominic Frongillo	Aye

**Executive Session**

On a motion, the board went into executive session at 9:27 to consider the purchase offer on town-owned land and discuss an employee termination.

**Adjourn**

On a motion, the meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Debra DeAugustine, Town Clerk